



INTERIOR BOARD OF INDIAN APPEALS

Ann Marie Astells, et al. v. Sacramento Area Director, Bureau of Indian Affairs

28 IBIA 122 (07/31/1995)

Denying reconsideration of:
28 IBIA 100



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ANN MARIE ASTELLS and
BRUCE COTTON,
Appellants

v.

SACRAMENTO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Petition for
: Reconsideration
:
:
: Docket No. IBIA 95-126-A
:
:
: July 31, 1995

On July 10, 1995, the Board issued an order vacating an April 28, 1995, decision issued by the Sacramento Area Director, concerning the validity of an August 7, 1994, General Council meeting of the Lone Pine Paiute-Shoshone Indian Tribe. Finding that appellants had sought a decision concerning the validity of an April 20, 1994, meeting of the General Council, rather than the August 7, 1994, meeting, the Board remanded the matter to the Area Director for a determination concerning the validity of the April 20, 1994, meeting.

The Board has received a letter from appellant Astells concerning the Board's July 10, 1995, decision. The Board treats the letter as a petition for reconsideration.

Astells continues to object to the Area Director's April 28, 1995, decision. The Board cannot consider these objections at this time. Because the matter has been remanded to the Area Director, Astells must present her objections to the Area Director, who is the official with jurisdiction over this matter at the present time.

Astells also objects to a statement in the Board's decision concerning the standing of appellant Cotton. The Board there stated: "It appears unlikely that appellant Cotton would have standing in this matter, as he apparently has no interest in [a house which was the subject of a resolution adopted at the April 20, 1994, General Council meeting] and may not even be a tribal member." While conceding that Cotton is not a tribal member, Astells contends that he has standing here because he contributes to the payments on the house.

The Board did not reach a conclusion on Cotton's standing in its July 10, 1995, order. It will not do so at this time because the matter is presently pending before the Area Director. If the new decision to be issued by the Area Director is appealed to the Board, appellants may raise their arguments on standing at that time.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration is denied.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge